



15,00-121 Deputy Asst Comm
#17
Petition to
Revoke

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of) "INVERTER CIRCUITS"
Ole K. Nilssen)
Serial No. 06/178,107) Examiner: T. Beha
Filed: August 14, 1980) Group Art Unit 212

RECEIVED

VERIFIED PETITION TO REVIVE

MAR 18 1982

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

DEPUTY ASST. COMM.

Sir:

Pursuant to 37 CFR §137, applicant respectfully petitions the Commissioner to revive the above-identified application as a pending application on the grounds that the delay in filing the enclosed response to the outstanding Office Action of January 27, 1982, and due February 27, 1982, was unavoidable.

Enclosed is a check in the amount of \$15.00 as payment of the petition fee.

The outstanding Office Action of January 27, 1982 (Paper No. 11) had a shortened statutory period for response of one month and requested an explanation of newly presented claims 86-115.

Enclosed is Amendment D in response to this Office Action. As is pointed out therein, the Remarks of applicant in distinguishing the cited references from the original claims, are clearly applicable to all of the claims except claim 90 and claims 91-92 dependent thereon. With regard to claims 90-92, a feature was claimed which clearly is not present in any of the cited references. Amendment B contained a full response to all of the issues raised in the Office Action of August 4, 1981.

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Accordingly, it is submitted that the Amendment B and Supplemental Amendment C was fully responsive to the Office Action of August 4, 1981, and met all of the requirements of 37 CFR §1.111. The requirements of §1.111(a) were met, for applicant replied to the Office Action and made request for re-examination or reconsideration and amended the claims in response to objections made by the Examiner. The requirements of §1.111(b) were met, for the applicant made such request in writing and he distinctly and specifically pointed out the supposed errors in the examiner's action and responded to every ground of objection and rejection in the Office Action of August 4, 1981. Clearly, Amendment B and Supplemental Amendment C are the action of an applicant making a bona fide attempt to advance the case to final action. The requirements of §1.111(c) were met, for the applicant clearly pointed out the patentable novelty which he thought the claims at issue presented in view of the state of the art disclosed by the references cited or the objections made. He also showed how these amendments avoided the references or objection with regard to those claims amended. With regard to the new claims, to the extent the issues raised with regard to the old claims were applicable, then applicant's remarks with regard thereto clearly applied.

Nonetheless, upon receiving the Office Action of January 27, 1982, applicant's new undersigned attorney wrote to applicant sending him a copy of the Action and requesting his thoughts before proceeding with preparation of a response.

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Because of absences and other delays which were unavoidable, it became clear that the applicant and his undersigned attorney would not be able to prepare, review and file a response by the original due date of January 27, 1982.

Accordingly, on February 23, 1982, four days prior to lapse of the original time of one month set to respond to the Office Action of January 27, 1982, a request for a one month extension of time to respond was filed. As indicated in that request, the additional time was needed for the undersigned attorney to confer further with the applicant in order to prepare a complete and meaningful response. This request for extension of time was made in good faith and not for purposes of mere delay.

It is standard practice of the United States Patent and Trademark Office and it has been the experience of the attorney of applicant that such first requests for extensions of time are normally granted. Accordingly, applicant's undersigned attorney expected this request to be granted and did not take the extraordinary efforts that would have been required in order to file a timely response.

A decision on the request for extension of time was delayed until February 26, 1982, and contained the statement that the six months statutory period for response had expired. This Action was not actually received in the undersigned's office until March 3, 1982, and was not actually seen by the undersigned until March 9, 1982.

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As soon as the undersigned obtained the rejection of applicant's request for extension of time, work began on preparation of the enclosed Amendment D and this petition.

If applicant's attorney had been informed on the date of the request for extension of time that the request was denied, he could have, through extraordinary efforts, prepared and timely filed a response. No prior indication had been given that the normal practice of the Patent and Trademark Office granting such first requests for extensions of time would not be followed.

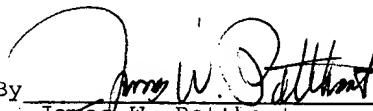
For the foregoing reasons, it is submitted that the applicant's efforts to timely file the enclosed response was inadvertent, unintentional and unavoidable. The only reason it was not timely filed was that the refusal of the request for extension of time which normally is granted was not denied until after the response time had lapsed. At that point in time it was no longer possible for applicant's attorney to file a timely response.

If this petition is not granted, applicant will be irreparably damaged.

For the foregoing reasons, it is respectfully requested that this petition be granted.

Respectfully submitted,

Ole K. Nilssen

By 
James W. Potthast
Reg. No. 27,792

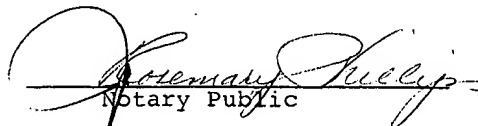
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Date: *March 11, 1982*



VERIFICATION

James W. Potthast appeared before me today, signed the foregoing Verified Petition to Revive as his free act, and swore under oath that all statements of fact contained therein are true.


Notary Public

Date: 3/11/82